

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

R. CATHY REARDON, on behalf )  
Of herself and all similarly )  
Situated individuals, )  
                               )  
Plaintiffs, )  
                               )  
v.                         ) Civil Action No. 08-1730  
                               )  
CLOSETMAID CORPORATION, )  
                               )  
Defendant.                 )

ORDER

AND NOW, this 23<sup>rd</sup> day of January, 2012, upon consideration of plaintiff's Proposed Plan and Form of Class Notice, [doc. No. 64], IT IS HEREBY ORDERED THAT:

(1) The court finds that plaintiff's Proposed Plan and Form of Class Notice will provide the "best notice practicable under the circumstances" as required by Fed.R.Civ.P. 23(c)(2)(B);

(2) The court further finds that the form of notice which was attached as Exhibit A to plaintiff's Proposed Plan and Form of Class Notice [doc. No. 64] complies with Fed.R.Civ.P. 23(c)(2)(B)(i) - (vii) because it explains the nature of the action, explains the definition of the class and subclass certified, explains the class claims, issues or defenses, explains that a class member may enter an appearance through an attorney if the

member so desires, explains that the court will exclude from the class any member of who requests exclusion, explains the time and manner for requesting exclusion and explains the binding effect of a class judgment on members under Rule 23(c)(3). The notice further complies with Rule 23 (c)(2)(B) because it will be disseminated by First Class mail and will be supplemented by referring class members to a website which contains additional information;

(3) By no later than February 16, 2012, defendant shall produce the names, addresses, applications, employment or personnel files, and documents related to the application for and/or denial of employment with respect to persons within the Disclosure Class and Pre-Adverse Action Sub-class as defined in the September 6, 2011 Memorandum and Order [doc. No. 63] ("class member records"); and

(4) Upon receipt of the class member records plaintiff shall prepare a list of the names and addresses of all persons within the Disclosure Class and Pre-Adverse Action Sub-class ("Class List"). Plaintiff shall update the Class List using the National Change of Address Database or similar database to obtain the most recent address of the class members. Plaintiff shall complete the Class List no later than April 2, 2012. Plaintiff shall promptly provide the Class List to defendant for review and

comment. Defendant shall have until no later than April 23, 2012 to serve and file comments or objections to the Class List. Plaintiff shall thereafter send the notice to each class member at the address on the Class List. For any notices returned as undeliverable, plaintiff shall engage the services of a commercial resources entity (e.g. Accurint, Trans Union, etc.) to obtain a current mailing address for the class members whose notices have been returned. Plaintiff shall promptly redeliver the notice to the more current address;

(5) Any class member who wishes to opt-out of the class must mail their request for exclusion postmarked no later than forty-five (45) days after the date the notice is mailed to: James M. Pietz, Pietz Law Office, LLC, 429 Forbes Avenue, Suite 1616, Pittsburgh, PA 15219; and W. Scott Hardy, Ogeltree, Deakins, Nash, Smoak & Stewart, P.C., One PPG Place, Suite 1900, Pittsburgh, PA 15222.

BY THE COURT:

  
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G. L. Lanier, C.J.

cc: All Counsel of Record